

1894-011  
Lee Co.

Chancery Causes: Powell's Valley Bank] vs. William R. Johnston &c

Morgan, Armstrong

Ch-Debt

T-Property



To the Hon. H. S. K. Morison Judge of the Circuit Court  
of Lee County Virginia:

Steadily complaining Your Orators Henry J. Morgan  
W. K. Armstrong partners and private Bankers doing business  
under the name of Powell Valley Bank. Would respectfully  
represent that William R. Johnston and James B. Johnston are  
jointly indebted to them in the sum of Four Hundred and Fifty  
dollars and that the same became due and payable Jan'y 1 1891.  
To show which your Orators state that on the first day of  
September 1890 the said William R. Johnston according to the  
custom and usage of Merchants, executed and delivered to the  
said James B. Johnston his promissory note in writing the date  
whereof is the day and year last stated, and the same is herewith  
filed marked (A) By which said promissory note in writing the  
said William R. Johnston on the day and year aforesaid promised  
to pay to the order of said James B. Johnston <sup>for himself</sup> by January 1<sup>st</sup> 1891  
the sum of Four Hundred and Fifty <sup>dollars</sup> for value received, negotiable  
and payable at Powell Valley Bank and as to said debt the said  
Wm R Johnston waived the benefit of his homestead exemption and  
thereupon the said James B. Johnston on the day and year aforesaid  
according to the custom and usage of Merchants, endorsed and delivered  
said promissory note to ~~the~~ <sup>the</sup> Orators the same being wholly unpaid  
and as to said endorsement the said Jas. B. Johnston waived protest  
~~of said note~~ <sup>thereof</sup> and the benefit of his homestead exemption as to the  
debt mentioned in said promissory note. By reason of all which  
a right has accrued to your Orators to demand and have from  
the said Wm R. of B. Johnston said sum of \$450.- with legal interest thereon  
from January 1-1891 till paid

Your Orators state however that all interest on said note  
has been paid down to July 1-1891. but that no other or further  
part of said debt has ever been paid by the said Wm R. of B. Johnston  
A short time before Sept 1-1890 the said James B. Johnston  
bargained and sold to said William R. Johnston two pieces



1 or parcels of land lying on the waters of Stout creek in  
2 the pocket country. One of which tracts contains 75 and  
3 the other 40 acres more or less. And these two tracts lie near  
4 each other but do not adjoin.

5 Your Orators further state that at the time of said  
6 sale the said William R. Johnston paid to the said Jas. B. Johnston  
7 toward the purchase price of said two tracts of the sum of  
8 \$320. which left \$450. still due and owing therefor, and the  
9 said Wm. R. Johnston thereupon executed to the said James B. Johnston  
10 the said promissory note due and payable Jan 1<sup>st</sup> 1891. And  
11 the said James B. Johnston thereupon endorsed and delivered  
12 the same to your Orators as before stated.

13 Your Orators further state that by deed dated Sept 2  
14 1891. (which is herewith filed marked B) the said James B. Johnston  
15 and wife conveyed to the said William R. Johnston said two parcels  
16 of land with covenants of general warranty and they also  
17 reserved to themselves the vendors lien on said lands to secure  
18 the said unpaid purchase price of \$450. due and payable as aforesaid.

19 Your Orators aver that the endorsement to them of said promissory  
20 note by the said James B. Johnston carries with it, all his rights  
21 and remedies for enforcing the payment thereof.

22 Your Orators further state that the deed of conveyance made  
23 by Jas. B. Johnston and wife to said Wm. R. Johnston was deposited  
24 for record in the clerk's office of Lee County on the 2<sup>nd</sup> day of  
25 Sept. 1890. and was afterwards recorded.

26 Your Orators are advised that said vendors lien now exists  
27 in full force for their benefit, and that it is the province of  
28 a court of equity to enforce the lien thereof by decreeing a sale  
29 of said land to pay said debt, and to attain that end is the  
30 object of this bill.

31 The premises considered your Orators pray that said Wm. R.  
32 and James B. Johnston be made defendants to this bill, and be  
33 required to answer the same on oath, and upon a hearing.



1 of the cause a decree be entered in favor of your Orators against  
2 the said Wm. R. of J. Johnston for \$450. with legal interest thereon  
3 from July 1-1871 till paid and the cost of this suit, and that  
4 said two tracts of land or so much thereof as may be necessary  
5 for the purpose be decreed to be sold, and if in anywise mistaken  
6 is this in special prayer then your Orators pray for all  
7 general relief: May the Commonwealth writ of *scire facias* issue thereon

8 Henry J. Morgan for Petors



C 7.93 Paid  
 50 Paid  
 15.00 Paid  
 23.73 to [unclear]

Morgan &

vs. Bill

Wm. R. + Jas. B. Johnston

1st 4000 Poles [unclear]  
 3rd 4000 Poles [unclear]  
 2nd 4000 Poles [unclear]  
 1st 4000 Poles [unclear]  
 1st 4000 Poles [unclear]  
 1st 4000 Poles [unclear]

1000 at all the  
 Johnston - 24 - 19

23-187  
 22-165

150 } By [unclear]  
 100 }  
 6+12

My fees as clerk  
 shown in this  
 cause have been  
 paid by [unclear]  
 J. M. [unclear]  
 J. M. [unclear]

11



Morgan + Armstrong

Peffer

vs

John Bly

W R & L Johnston

Defts

This cause came on again this day to be finally heard  
on the papers heretofore read therein, and a further report  
of Special Const John L. Hyatt dated Nov 13 1894 and  
filed in the cause at the present term, showing that he  
had made and executed a deed of conveyance in conformity  
to a decree of this Court entered of record in this cause on a  
former day of the present term, and was argued by counsel  
and said report and deed therewith submitted being  
accepted to; On consideration of all which it is adjudged  
ordered and decreed that said report and deed be and  
the same are approved and confirmed, and the Clerk of  
this Court deliver to the Clerk of the County Court the said  
deed for recordation, and no further action being necessary  
in the cause, the parties are hence dismissed and the  
cause is stricken from the docket.



Morgan & Armstrong  
vs. Decm No 3 Final

W. R. Johnston

Copied in Order  
of the  
Court Page 71

Enter this decree  
Nov. 13 1894

M. J. M.



1 Morgan & Armstrong Plffs  
2 vs } In Chy.  
3 Wm D. & J. B. Johnston Dfts

4 This cause came on again to be further heard upon the  
5 papers heretofore read in the cause, and the report of Special  
6 Comr John A. G. Hyatt dated and filed in the cause Sept  
7 the 12 1894 showing the sale of the two tracts of land in the  
8 bill mentioned to Henry J. Morgan for the use of Pavells Valley  
9 Bank at the Price of \$250.00, and the application of that sum  
10 to the payment of the debt and costs due the plaintiffs from  
11 the defendants, and the balance due the Plffs from the defendants  
12 after the application of the said purchase money, and was  
13 argued by counsel, and the said report being unaccepted to  
14 On consideration of all which It is adjudged ordered and  
15 decreed that said report in all things be and the same is  
16 hereby confirmed. And there being yet due the plaintiffs from  
17 the defendants as of June the 18 1894 the sum of \$249.38 as shown  
18 by the said report, On the motion of the plaintiffs execution  
19 is awarded them against said defendants for \$249.38 with legal  
20 interest thereon from June the 18 1894 till paid, And pursuant  
21 to another suggestion in said report It is further adjudged  
22 ordered and decreed, that <sup>E. J. Hyatt</sup> ~~said John A. G. Hyatt~~ be appointed  
23 a Special Comr for the purpose who is directed to convey by  
24 proper deed with covenants of Special warranty the two tracts  
25 of land in the plaintiffs bill mentioned to Henry J. Morgan for  
26 the use and benefit of Pavells Valley Bank, and in said  
27 conveyance said Comr Hyatt will reserve the Mineral right  
28 in the larger of said tracts heretofore sold by the said defendants  
29 And said Comr Hyatt will <sup>make</sup> his said deed of conveyance conform  
30 as to course distance and description to the course distance  
31 and description as set out and described in exhibit (B) filed with  
32 the plaintiffs bill, And he will report his action to the court  
and until the coming in thereof the cause is continued



Morgan & Armstrong  
vs } Decm No. 2

W. R. & J. C. Johnston

Copied in Order  
Chancery Court  
Page no 67 & 68

Entered this  
Nov. 12 1894

W. F. M.



1001 1891  
Morgan & Armstrong - Plffs

vs.  
Wm. R. Johnston & J. B. Johnston Defts

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by W. R. Johnston who has been regularly served with process in the cause. The defendant and was argued by counsel. On consideration of all which it is adjudged ordered and decreed that the Plffs ~~for the sum and benefit of~~ Morgan & Armstrong recover of Wm. R. Johnston the sum of \$450.00 with legal interest thereon from July the 1<sup>st</sup> 1891 till paid, and the costs of this suit, and it appearing from Exhibits (A & B) with the Plffs bill as well as by the allegations thereof that said sum of \$450.00 with its interest constitutes a vendors lien on the two tracts of land mentioned and described in said Exhibit (B). It is therefore further adjudged ordered and decreed that unless said sum of money above decreed the plaintiffs together with interest and cost, be paid ~~within 20 days from the rising of the court~~ <sup>then</sup> that said two tracts of land of 75 & 40 acres respectively or so much thereof as may be necessary <sup>to pay said claim</sup> be sold for cash in hand at the front door of the Court House on some court day at Public Auction to the highest bidder, after the same shall have been duly advertised 30 days prior to such sale, showing time terms and place of sale, and John A. G. Hyatt is appointed a special agent to make said sale and execute this decree who before doing so will deposit with the clerk of this court with good security in the sum of \$1000 - with condition to account for all money he may receive in this cause, and he will report his action to the court, and the cause is continued.

Since the above decree was rendered, W. R. Johnston has paid the interest on said debt down to Jan'y 1<sup>st</sup> 1892

Henry J. Morgan  
Nov. 1891.







1 Morgan & Armstrong. Plffs 3  
2 against 3 Dubkey  
3 Wm R. & J. C. Johnston. Defts 3

4 To the Hon. W. Trig Miller  
5 Judge of the Circuit Court for Lee County.

6 By a decree entered in this  
7 Cause on the 3<sup>rd</sup> day of September 1891,  
8 the Plaintiffs recovered against the  
9 defendants the sum of Four Hundred  
10 and fifty Dollars with legal interest  
11 thereon from July 1<sup>st</sup> 1891 till paid  
12 and the costs of this suit; and the  
13 75 & 40 acre tracts of land in the  
14 bill mentioned were ordered to be  
15 sold for Cash in hand or so much  
16 thereof as would be necessary to pay  
17 said debt and costs.

18 Since said decree was rendered  
19 the defendant Wm R. Johnston has  
20 paid to the Plaintiffs, the taxable costs  
21 of this suit down to the rendition  
22 of said decree and he has also paid  
23 to said Plaintiffs, the interest on  
24 said sum of money down to the  
25 25<sup>th</sup> day of March 1893.

26 After having advertised, the  
27 time, terms and place of sale of  
28 said land as directed in said  
29 decree - of the 3<sup>rd</sup> Sept 1891, I offered  
30 said land for sale at the front  
31 door of the Court house of Lee  
32 County, on the 18<sup>th</sup> day of June 1894.



1 that being County Court day, but  
2 by direction of the Plaintiffs, and on  
3 account of the stringency of the times,  
4 I offered said land for sale, not  
5 for cash in hand, but upon a credit  
6 of six & twelve months time, with  
7 interest from day of sale, and  
8 upon these terms Henry J. Morgan  
9 for the benefit of himself and his  
10 associates in business under the  
11 title of Powell's Valley Bank, offered  
12 for the said land the sum of  
13 Two hundred and fifty Dollars  
14 (\$250) and this being the highest  
15 best and only bid offered for  
16 the said land he became the  
17 purchaser thereof at that price.

18 At the time of this sale there  
19 was a large crowd of people  
20 present among whom was the  
21 defendant Wm R. Johnson him-  
22 self, and I used my best efforts  
23 to make the land bring more  
24 but could not succeed in doing  
25 so, the small price offered for  
26 these lands, was in part owing  
27 to the fact, that the mineral  
28 right on the larger tract had  
29 heretofore been sold by the defendants  
30 and these lands being mostly valuable  
31 on account of the minerals thereon.

32 I therefore recommend that



1 this sale be confirmed.

2 The debt for which these lands  
3 sold, when calculated down to  
4 June 18<sup>th</sup> 1894 amount to \$482.22

5 The accruing costs upon this suit since September  
6 1891 down to and including the Term Term  
7 1894 amounts to \$4.66 and my Com-  
8 missions upon said sale will amount  
9 to \$12.50 So that this transaction  
10 will stand as shown in the following  
11 statement viz.

12 Amount of debt . . . \$450.00

13 Int. from Mar. 25<sup>th</sup> 1893 to June 18<sup>th</sup> 1894 . . . 32.22

14 Accruing Costs of suit . . . 4.66

15 Commissions on Sale . . . 12.50

16 Total sum due June 18<sup>th</sup> 1894 \$499.38

17 Or By gross amount of sales 250.00

18 Bal. due Defts June 18<sup>th</sup> 1894 . . . \$249.38

19 From this statement of the  
20 Case, it is seen, that after applying  
21 the proceeds of the sales of said lands  
22 to the payment of the debt due the  
23 Defts. there is still due to them  
24 from the Defendants the sum of  
25 Two Hundred and forty nine <sup>38</sup>/<sub>100</sub> Dollars  
26 as of June 18<sup>th</sup> 1894, and for this  
27 ~~sum~~ The Plaintiffs are entitled  
28 to have an execution against the  
29 defendants for said sum of \$249.38  
30 with Interest from June 18<sup>th</sup> 1894. till  
31 paid. The Plaintiffs being the <sup>Morgan</sup>  
32 purchasers of said land, and











Morgan + Armstrong

as } Cant. Report of Deed

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W R + J B Johnston

Filed Nov Term 1894



Mary  
J

# Land for Sale

## Notice.

In obedience to the requirements  
of a Decree entered in the Chancery  
Cause of Morgan & Armstrong  
Vs Wm. R. Johnson et al, on the  
3<sup>rd</sup> day of September 1891.

I will proceed on  
the first day of the June term  
1894 of Lee County Court, at  
the front door of the Court  
house, to sell to the highest  
bidder for Cash in hand  
the two tracts of land in the  
Bill and proceedings mentioned  
or enough thereof to fully  
satisfy the principal, unpaid  
interest, Costs and Commissions  
of the said decree in favor of  
the said Morgan & Armstrong  
against said parties and lands.

J. A. Stidwell  
Clerk

May 22 1894

Mary J. Stidwell



1<sup>st</sup> day June T. 1894



Interest paid to Jan 1/92

\$450 -

Jonesville, Va., Sept 1 - 1890

By January 1 - 1891 ~~days after date~~ I promise to pay to the order of  
James C. Johnston for land  
Four Hundred and fifty. . . . DOLLARS

for value received, negotiable and payable at Powell's Valley Bank, and hereby waive the benefit of my home-  
stead exemption as to this debt, and I also waive my right to be protested to make me liable for said sum.

Wm. R. Johnston

Int paid to April 1<sup>st</sup> 1891. Int paid to July 1 - 1891



I the endorser of the within note hereby  
waive my homestead exemption as to the debt  
mentioned within, and I also waive my right  
to be protested in order to make me liable as en-  
dorsers of the within, in the event the same should  
not be paid promptly at maturity.

W. C. Johnston

(A)



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*W. R. Johnston*  
*and James E. Johnston*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by *George L. Morgan*

*W. R. Johnston partners and bring to*  
*creditors doing business under the name*  
*of Fannetts Valley Bank*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *27th* day of *July* 18 *74*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



12th M

Morgan & Armstrong

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# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting

We Command You to Summon

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in August next, being rule day to answer a bill in Chancery exhibited in our said Court against Thomas L. Sebastian by George L. Hyatt

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This 27 day of May 18 77, in the 11<sup>th</sup> year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste



from

W. R. Johnston



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Wm H. Johnston*  
*and James E. Johnston*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

*them*  
*and W. K. Armstrongs partners & private*  
*bankers doing business under the name*  
*and title of Powell's Valley Bank*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *29<sup>th</sup>* day of *July* 1891, in the 116 year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



Morgan & Armstrong

vs.  $\frac{1}{2}$  Spa. In Chy

Wm R. Johnston & co

---

pt. Augt. Rules 1891.

---

I accept legal service  
of the within Spa in  
Chancery July 29 1891.

Wm R Johnston



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*William R. Johnston*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

*him*

by

*James C. Johnston, who*

*sues for the benefit of Henry J. Morgan & W. R. Sum-*  
*Strong partners & private bankers, doing business*  
*under the name & title of Powell's Valley Bank*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *16<sup>th</sup>* day of *July* 18*91*, in the 11*6* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



H. Jm.

J. C. Johnston for &c

vs <sup>exhibits</sup> Spain Chcy

Wm. R. Johnston

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To 1<sup>st</sup> Aug. Rules 1891.

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Executed July 30-91  
by delivering an  
office copy of  
this Summ to

Wm. R. Johnson

L. M. Wade <sup>deputy</sup> for

C. E. Flannery